



Social Work (Scotland) Act 1968

1968 CHAPTER 49

PART VII

MISCELLANEOUS AND GENERAL

Supplementary

93 Transitional provisions

The transitional provisions set out in Schedule 7 to this Act shall have effect for the purposes of the transition to the provisions of this Act from the law in force before the commencement of this Act.

94 Interpretation

(1) In this Act, except where otherwise expressly provided or the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

" approved school " means a school approved by the Secretary of State under section 79 of the Children and Young Persons Act 1933,

" approved school order " has the meaning assigned to it by section 107(1) of the Children and Young Persons Act 1933,

" children's panel " and " children's hearing " have the meanings respectively assigned to them by sections 33(1) and 34(1) of this Act,

" compulsory measures of care " means, in relation to a child, such measure of care as may be imposed upon him by a children's hearing,

" constable " means a constable of a police force within the meaning of the Police (Scotland) Act 1967,

" contributor " and " contribution order " have the meanings respectively assigned to them by sections 78 and 80 of this Act,

Status: This is the original version (as it was originally enacted).

" establishment " means an establishment managed by a local authority, voluntary organisation or any other person, which provides non-residential accommodation for the purposes of this Act, whether for reward or not,

" functions " shall include powers and duties,

" guardian " means a person appointed by deed or will or by order of a court of competent jurisdiction to be the guardian of a child, or in relation to a child includes any person who, in the opinion of the court or children's hearing having cognizance of any case in relation to the child or in which the child is concerned, has for the time being the charge of or control over the child,

" hospital " means—

- (a) any hospital vested in the Secretary of State under the National Health Service (Scotland) Act 1947,
- (b) any private hospital registered under the Mental Health (Scotland) Act 1960, and
- (c) any State hospital, within the meaning of Part VII of the said Act of 1960,

" local authority ", in relation to Scotland, has the meaning assigned to it by section 1(2) of this Act,

" maintainable child " has the meaning assigned to it by section 78 of this Act,

" mental disorder " has the meaning assigned to it by section 6 of the Mental Health (Scotland) Act 1960,

" mental health officer " means an officer of a local authority appointed to act as a mental health officer for the purposes of the said Act of 1960,

" parent " means either or both parents and.—

- (a) in relation to a child adopted in pursuance of any enactment, means the person or persons by whom he was adopted to the exclusion of his natural parents,
- (b) in relation to a child who is illegitimate, means his mother to the exclusion of his father,

" performance ", in relation to functions, includes the exercise of powers as well as the performance of duties, and " perform " shall be construed accordingly,

" persons in need " means persons who,

- (a) are in need of care and attention arising out of infirmity, youth or age ; or
- (b) suffer from illness or mental disorder or are substantially handicapped by any deformity or disability ; or
- (c) have been rendered homeless and are in need of temporary accommodation; or
- (d) being persons prescribed by the Secretary of State who have asked for assistance, are, in the opinion of a local authority, persons to whom the authority may appropriately make available the services and facilities provided by them under this Act,

" place of safety " means any residential or other establishment provided by a local authority, a police station, or any hospital, surgery or other suitable place, the occupier of which is willing temporarily to receive a child,

" probation order ", in relation to an order imposed by a court in England or Wales, has the meaning assigned to it by section 3 of the Criminal Justice Act 1948, and in relation to such an order, imposed by a court in Northern Ireland, has the same meaning as in the Probation Act (Northern Ireland) 1950,

Status: This is the original version (as it was originally enacted).

" residential establishment " means an establishment managed by a local authority, voluntary organisation or any other person, which provides residential accommodation for the purposes of this Act, whether for reward or not,

" school age " has the meaning assigned to it by section 32(1) of the Education (Scotland) Act 1962,

" supervision order ", in relation to an order imposed by a court in England or Wales, has the meaning assigned to it by section 5 of the Children and Young Persons Act 1963, and in relation to an order imposed by a court in Northern Ireland has the meaning assigned to it by section 63(1)(d) of the Children and Young Persons Act (Northern Ireland) 1950,

" supervision requirement " has the meaning assigned to it by section 44(1) of this Act,

" training school " means a school approved by the Ministry of Home Affairs for Northern Ireland under section 106 of the Children and Young Persons Act (Northern Ireland) 1950,

" training school order " means an order made by a court in Northern Ireland sending a child or young person to a training school,

" voluntary organisation " means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority,

" welfare authority " means a welfare authority constituted under the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland) 1946.

- (2) Unless the context otherwise requires, any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied by or under any other enactment including this Act.
- (3) Without prejudice to the last foregoing subsection, any reference in this Act to an enactment of the Parliament of Northern Ireland, or to an enactment which that Parliament has power to amend, shall be construed, in relation to Northern Ireland, as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament passed after this Act and re-enacting the said enactment with or without modifications.

95 Minor and consequential amendments, repeals and savings

- (1) The enactments described in Schedule 8 to this Act shall have effect subject to the amendments therein specified, being minor amendments and amendments consequential on the foregoing provisions of this Act.
- (2) The enactments described in Schedule 9 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) Subject to any expression in this Act to the contrary, in so far as any appointment, agreement or any provision in a regulation or order made or any notice, direction, consent, approval, warrant or certificate given under any enactment repealed by this Act or registration effected, or deemed to have been effected, proceedings instituted or other thing done under any such enactment could have been made, passed, given, granted, effected, instituted or done under a corresponding provision of this Act, it shall not be invalidated by this repeal, but shall have effect as if it had been made, passed, given, granted, effected, instituted or done to that corresponding provision and

may be amended, varied, revoked or enforced accordingly, and, in the case of any legal proceedings, may be continued and appealed against as if this Act had not been passed.

96 Power of Parliament of Northern Ireland to make consequential amendments of this Act

Notwithstanding any limitation imposed on the powers of the Parliament of Northern Ireland by the Government of Ireland Act 1920, that Parliament may, by any Act re-enacting (with or without modifications) or amending the law in force in Northern Ireland with respect to children requiring compulsory measures of care, make such amendments of the provisions of this Act which extend to Northern Ireland as may be necessary for the purpose of bringing the said provisions into conformity with the provisions of that Act.

97 Extension of certain provisions of Act to England and Wales, Northern Ireland, and the Channel Islands

- (1) The following provisions of this Act shall extend to England and Wales, that is to say—
 - section 58
 - sections 86 and 87
 - Part V
 - Schedule 8
 - Part II of Schedule 9.
- (2) The following provisions of this Act shall extend to Northern Ireland, that is to say—
 - Part V
 - section 96
 - Schedule 8.
- (3) The following provisions of this Act shall extend to the Channel Islands, that is to say sections 69 to 71.
- (4) Save as aforesaid, and except in so far as it relates to the interpretation or commencement of the provisions, this Act shall extend only to Scotland.

98 Commencement

- (1) This Act (except this section) shall come into operation on such date as the Secretary of State may by order appoint.
- (2) Different dates may be appointed by order under this section for different purposes of this Act; and any reference in any provision of this Act to the commencement of this Act shall, unless otherwise provided by any such order, be construed as a reference to the date on which that provision comes into operation.

99 Short title

This Act may be cited as the Social Work (Scotland) Act 1968.